

RA Mtg  
2/27/10  
KHH 5  
Jm 2

REDEVELOPMENT AGENCY  
OF THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04491

DATE OF FINAL PASSAGE MAR 0 2 2010

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (i) AMENDING THE FISCAL YEAR 2009-2010 PROGRAM BUDGETS FOR THE REDEVELOPMENT PROJECTS ADMINISTERED BY THE CENTRE CITY DEVELOPMENT CORPORATION, THE SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION, AND THE REDEVELOPMENT DIVISION OF THE CITY PLANNING AND COMMUNITY INVESTMENT DEPARTMENT; AND (ii) AUTHORIZING THE FISCAL YEAR 2009-2010 PAYMENT TOTALING APPROXIMATELY \$55,702,957 TO THE SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND PURSUANT TO ASSEMBLY BILL X4-26.

WHEREAS, the Centre City Development Corporation, Inc. [CCDC] has been authorized, on behalf of the Redevelopment Agency of the City of San Diego [Agency], to administer the Centre City and Horton Plaza Redevelopment Projects located within the Centre City area of the City of San Diego [City]; and

WHEREAS, the Southeastern Economic Development Corporation, Inc. [SEDC] has been authorized, on behalf of the Agency, to administer the Central Imperial, Gateway Center West, Southcrest, and Mount Hope Redevelopment Projects located within the Southeastern area of the City; and

WHEREAS, the Redevelopment Division of the City Planning and Community Investment Department [City Redevelopment Division] has been authorized, on behalf of the Agency, to administer the Linda Vista, College Grove, Barrio Logan, City Heights, College Community, North Park, San Ysidro, Naval Training Center, North Bay, Crossroads, and

Grantville Redevelopment Projects located within various areas of the City other than those located within the Centre City and Southeastern areas of the City; and

WHEREAS, in July of 2009, the State of California [State] approved State Assembly Bill X4-26 [ABX4-26] as part of the 2009 State budget which authorized a transfer of redevelopment funds in the amount of \$1.7 Billion in Fiscal Year 2009-2010 and another \$350 Million in Fiscal Year 2010-2011 to the county Supplemental Educational Revenue Augmentation Fund [SERAF]; and

WHEREAS, pursuant to ABX4-26 currently in effect, the Agency is obligated to remit the Fiscal Year 2009-2010 payment to the SERAF by May 10, 2010; and

WHEREAS, Program Budgets for Fiscal Year 2009-2010 previously approved by the Agency for the Redevelopment Projects managed by the CCDC, the SEDC, and the City Redevelopment Division do not allocate this Fiscal Year 2009-2010 payment to the SERAF; and

WHEREAS, the Agency must now amend the Fiscal Year 2009-2010 Program Budgets for the Redevelopment Projects managed by the CCDC, the SEDC, and the City Redevelopment Division in order to process the Fiscal Year 2009-2010 payment totaling approximately \$55,702,957 to the SERAF; and

WHEREAS, the validity of the legislation mandating this SERAF payment has been challenged in litigation pending in the Superior Court for Sacramento County, *California Redevelopment Association et al v. Genest et al*, Case No. 34-2009-80000359 [CRA v. Genest]; and this litigation action alleges, among other things, that the duties of county auditors under California Health and Safety Code Section 33690 to deposit funds received from redevelopment agencies in County Supplemental Educational Revenue Augmentation Funds are inconsistent

with various state and federal constitutional provisions and are therefore unlawful and unenforceable; and

WHEREAS, in light of the pending litigation action CRA v. Genest, the Agency finds it in the best interests of the Agency to reserve any rights it may have to withhold the payment of funds under California Health and Safety Code Section 33690 or to recover those funds after payment or transfer based on any order or judgment of the Court in CRA v. Genest; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego [Agency] as follows:

1. That the Agency hereby amends the Fiscal Year 2010 Program Budgets for the Redevelopment Projects managed by the CCDC, the SEDC, and the City Redevelopment Division in order to process and facilitate the Fiscal Year 2009-2010 payment totaling approximately \$55,702,957 to the SERAF, as follows:

<b>FY 10 Budget Amendment – FY 10 ERAF</b>						
Item	Increase/ Decrease	Fund	Funded Program No.	Title	\$ Amount	Project Area
(1)	Increase	200519	920111101000	Centre City – Tax Sharing Agreements	\$28,859,727	Centre City
(2)	Decrease	400638	920534101000	Centre City Future Year Project Carry Forward	(\$28,854,626)	Centre City
(3)	Decrease	400654	920534101000	Centre City Future Year Project Carry Forward	(\$5,101)	Centre City
(4)	Increase	200603	955100101000	Horton Plaza – Tax Sharing Agreements	\$2,748,559	Horton Plaza

(5)	Decrease	400646	955500108000	Horton Plaza Future Year Carry Forward	(\$1,824,000)	Horton Plaza
(6)	Decrease	400413	955500108000	Horton Plaza Future Year Carry Forward	(\$820,000)	Horton Plaza
(7)	Decrease	400413	955500106000	Horton Plaza Public Improvement	(\$104,559)	Horton Plaza
(8)	Increase	200517	910100101000	Barrio Logan – Tax Sharing Agreements	\$158,392	Barrio Logan
(9)	Decrease	400637	910500101000	Barrio Logan – Unallocated Projects	(\$158,392)	Barrio Logan
(10)	Increase	200525	925100101000	City Heights – Tax Sharing Agreements	\$3,127,061	City Heights
(11)	Decrease	400640	925500101000	City Heights – Unallocated Projects	(\$3,127,061)	City Heights
(12)	Increase	200521	930100101000	College Community – Tax Sharing Agreements	\$207,356	College Community
(13)	Decrease	300079	930300301000	College Community – Contract Payable to SDSU Foundation	(\$207,356)	College Community
(14)	Increase	200523	935100101000	College Grove – Tax Sharing Agreements	\$181,025	College Grove
(15)	Decrease	400639	935500101000	College Grove – Unallocated Projects	(\$181,025)	College Grove
(16)	Increase	200527	940100101000	Crossroads – Tax Sharing Agreements	\$1,091,835	Crossroads

(17)	Decrease	400643	940500101000	Crossroads – Unallocated Projects	(\$1,091,835)	Crossroads
(18)	Increase	200536	950100101000	Grantville – Tax Sharing Agreements	\$170,718	Grantville
(19)	Decrease	400644	950500101000	Grantville – Unallocated Projects	(\$161,046)	Grantville
(20)	Decrease	400644	950500100000	Grantville – General Projects	(\$9,672)	Grantville
(21)	Increase	200604	960100101000	Linda Vista – Tax Sharing Agreements	\$28,588	Linda Vista
(22)	Decrease	400647	960500101000	Linda Vista – Unallocated Projects	(\$28,588)	Linda Vista
(23)	Increase	200526	970100101000	Naval Training Center – Tax Sharing Agreements	\$1,141,354	Naval Training Center
(24)	Decrease	400651	970500101000	Naval Training Center – Unallocated Projects	(\$619,225)	Naval Training Center
(25)	Decrease	400651	970500106000	Naval Training Center – Public Improvements	(\$522,129)	Naval Training Center
(26)	Increase	200529	975100101000	North Bay – Tax Sharing Agreements	\$2,078,004	North Bay
(27)	Decrease	400649	975500101000	North Bay – Unallocated Projects	(\$2,078,004)	North Bay
(28)	Increase	200533	980100101000	North Park – Tax Sharing Agreements	\$1,660,559	North Park
(29)	Decrease	400650	980500101000	North Park – Unallocated Projects	(\$1,660,559)	North Park

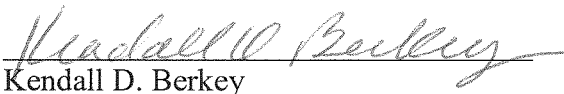
(30)	Increase	200528	985100101000	San Ysidro – Tax Sharing Agreements	\$1,077,489	San Ysidro
(31)	Decrease	400653	985500101000	San Ysidro – Unallocated Projects	(\$1,077,489)	San Ysidro
(32)	Increase	200524	915100101000	Central Imperial – Tax Sharing Agreements	\$45,437	Central Imperial
(33)	Decrease	400641	915500101000	Central Imperial – Unallocated Projects	(\$45,437)	Central Imperial
(34)	Increase	200602	945100101000	Gateway Center West – Tax Sharing Agreements	\$124,379	Gateway Center West
(35)	Decrease	400645	945500101000	Gateway Center West – Unallocated Projects	(\$124,379)	Gateway Center West
(36)	Increase	200518	990100101000	Southcrest – Tax Sharing Agreements	\$930,581	Southcrest
(37)	Decrease	400652	990500101000	Southcrest – Unallocated Projects	(\$930,581)	Southcrest
(38)	Increase	200513	965100101000	Mount Hope – Tax Sharing Agreements	\$737,596	Mount Hope
(39)	Decrease	400648	965500101000	Mount Hope – Unallocated Projects	(\$737,596)	Mount Hope

2. That the Agency hereby authorizes the City's Chief Financial Officer, as delegated, to remit the Fiscal Year 2009-2010 payment to the SERAF in the total approximate amount of \$55,702,957 pursuant to Assembly Bill X4-26, as required.

3. That, in light of the pending litigation action in the Superior Court for Sacramento County, *California Redevelopment Association et al v. Genest et al*, Case No. 34-2009-80000359 [CRA v. Genest], the Agency reserves any rights it may have to withhold the payment of funds under California Health and Safety Code Section 33690 or to recover those funds after payment or transfer based on any order or judgment of the Court in CRA v. Genest.

4. That the Agency Executive Director or designee is hereby authorized to execute all documents on behalf of the Agency that are necessary and appropriate to carry out and implement the purposes set forth in this Resolution according to its terms, and to administer the Agency's obligations, responsibilities and duties to be performed hereunder.

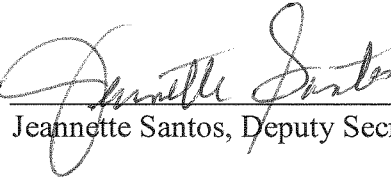
APPROVED: JAN I. GOLDSMITH, General Counsel

By   
Kendall D. Berkey  
Deputy General Counsel

KDB:nda  
02/10/10  
Or.Dept:Redev.Agency  
Cert.No: CC3000003042  
RA-2010-58  
MMS#11514

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of FEB 23 2010.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 3-2-10  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director



The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

CC CC3000003042

ORIGINATING

DEPT. NO. \_\_\_\_\_

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$44,368,660.00

Vendor: County of San Diego

Purpose: Authorizing the expenditure of funds for the Supplemental Educational Revenue Augmentation Fund (SERAF) payments due March 10, 2010.

Date: February 9, 2010

By: Francisco Lopez  
 \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
See attached.									
TOTAL AMOUNT									\$44,368,660.00

FUND OVERRIDE

CC CC3000003042

NEW SAP FORMAT:

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400638	920534101000	920534101101	OTHR-00000019-NS	512066	2220	2220500011		28,854,626.24
002	400654	920534101000	920534101101	OTHR-00000019-NS	512066	2220	2220500011		5,100.76
003	400646	955500108000	955500108101	OTHR-00000019-NS	512066	2255	2255500011		1,824,000.00
004	400413	955500108000	955500108101	OTHR-00000019-NS	512066	2255	2255500011		820,000.00
005	400413	955500106000	955500106101	OTHR-00000019-NS	512066	2255	2255500011		104,559.00
006	400637	910500101000	910500101101	OTHR-00000019-NS	512066	2210	2210500011		158,392.00
007	400640	925500101000	925500101101	OTHR-00000019-NS	512066	2225	2255500011		3,127,061.00
008	300079	930300301000	930300301101	OTHR-00000019-NS	512066	2230	2230300011		207,356.00
009	400639	935500101000	935500101101	OTHR-00000019-NS	512066	2235	2235500011		140,180.18
010	400639	935500101000	935500100101	OTHR-00000019-NS	512066	2235	2235500011		40,844.82
011	400643	940500101000	940500101101	OTHR-00000019-NS	512066	2240	2240500011		1,091,835.00
012	400644	950500101000	950500101101	OTHR-00000019-NS	512066	2250	2250500011		161,046.00
013	400644	950500100000	950500100101	OTHR-00000019-NS	512066	2250	2250500011		9,672.00
014	400647	960500101000	960500101101	OTHR-00000019-NS	512066	2260	2260500011		28,588.00
015	400651	970500101000	970500101101	OTHR-00000019-NS	512066	2270	2270500011		619,225.00
016	400651	970500106000	970500106101	OTHR-00000019-NS	512066	2270	2270500011		522,129.00
017	400649	975500101000	975500101101	OTHR-00000019-NS	512066	2275	2275500011		2,078,004.00
018	400650	980500101000	980500101101	OTHR-00000019-NS	512066	2280	2280500011		1,660,559.00
019	400653	985500101000	985500101101	OTHR-00000019-NS	512066	2285	2285500011		1,077,489.00
020	400641	915500101000	915500101101	OTHR-00000019-NS	512066	2215	2215500011		45,437.00
021	400645	945500101000	945500101101	OTHR-00000019-NS	512066	2245	2245500011		124,379.00
022	400652	990500101000	990500101101	OTHR-00000019-NS	512066	2290	2290500011		930,581.00
023	400648	965500101000	965500101101	OTHR-00000019-NS	512066	2265	2265500011		737,596.00
Total									44,368,660.00

Passed by the Redevelopment Agency of The City of San Diego on FEB 23 2010, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Date of final passage MAR 02 2010

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

(Seal)

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- 04491